

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Patrick R. Buckley et al	Docket No. :	IL-11255
Serial No. :	10/810,422	Art Unit :	1793
Filed :	03/26/2004	Examiner :	John P. Sheehan
For :	SHAPE MEMORY SYSTEM WITH INTEGRATED ACTUATION USING EMBEDDED PARTICLES		

DECLARATION UNDER 37 CFR § 1.132

Declaration by Eddie E. Scott

(Invention Disclosed But Not Claimed Was Derived From Inventors)

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

- (1). I am a citizen of the United States and a resident of Danville, California.
- (2). I am employed by Lawrence Livermore National Security, LLC at the Lawrence Livermore National Laboratory as Patent Counsel and I have been employed at the at the Lawrence Livermore National Laboratory from May 1, 1999 to the present.
- (3). I am empowered to act on behalf of the owner of the subject application, Lawrence Livermore National Security, LLC.
- (4). I am the attorney representing the inventors Patrick R. Buckley and Duncan J. Maitland (The Inventors), in the subject patent application.

35 USC 103(a) Rejection Claims 1, 9, 20, 26, 50 and 61

(5). In the Office Action mailed November 14, 2008, claims 1, 9, 20, 26, 50 and 61 were rejected under 35 USC 103(a) as being obvious over Co-Pending Application Serial No. 10/717,225. (The correct Serial No. is 10/177,225)

(6). I am also the attorney that represents the inventors in Co-Pending Application Serial No. 10/717,225.

(7). Co-Pending Application Serial No. 10/717,225 and the subject application have at least one common inventor, were commonly assigned to The Regents of the University of California, and are now are commonly assigned to Lawrence Livermore National Security, LLC.

(8). Any inventions of claims 1, 9, 20, 26, 50 and 61 in the subject application that were disclosed but not claimed in Co-Pending Application Serial No. 10/717,225 were derived from Patrick R. Buckley and Duncan J. Maitland (The Inventors), in the subject application and are not the invention "by another" under 35 USC 102(e).

(9). I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



(Signature)

Declarant: Eddie E. Scott
December 1, 2008